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SENATE BILL 17

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Shannon Robinson

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING FOR A LAW ENFORCEMENT
ARREST FEE WHEN AN ARREST IS MADE ON AN OUTSTANDING BENCH
WARRANT; CREATING FUNDS; ENACTING NEW SECTIONS OF THE NMSA
1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 34, Article 8A NMSA
1978 is enacted to read:

"NEW MATERIAL LAW ENFORCEMENT ARREST FEE--METROPOLITAN
COURT ARREST FEE FUND--DISBURSEMENT. --

A. When a person is arrested on a bench warrant
issued by the metropolitan court, the court shall assess a "law
enforcement arrest fee" of one hundred dollars (\$100) against
the person arrested; provided, however, that if the person has
multiple bench warrants, only one law enforcement arrest fee

underscoring material = new
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1 shall be charged per occurrence of arrest. If the person for
2 whom a bench warrant was issued voluntarily appears in court,
3 the court shall not assess the law enforcement arrest fee.
4 The law enforcement arrest fee shall be transferred to the
5 governing body of the law enforcement agency responsible for
6 service of the bench warrant upon which the law enforcement
7 arrest fee is assessed.

8 B. The arraigning judge shall waive the law
9 enforcement arrest fee authorized pursuant to Subsection A of
10 this section if:

11 (1) the defendant cannot post the law
12 enforcement arrest fee because of indigency; or

13 (2) the arrest was incidental to a traffic
14 stop.

15 C. The "metropolitan court arrest fee fund" is
16 created in the state treasury. The fund shall be administered
17 by the metropolitan court. The arraigning judge in the
18 metropolitan court shall assess a law enforcement arrest fee of
19 one hundred dollars (\$100). Money collected pursuant to the
20 law enforcement arrest fee shall be deposited in the
21 metropolitan court arrest fee fund. All balances in the
22 metropolitan court arrest fee fund are appropriated to the
23 metropolitan court for the purpose of paying law enforcement
24 agencies for the expense of arrests. Payments from the
25 metropolitan court arrest fee fund shall be made upon warrants

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underscored material = new
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1 drawn by the secretary of finance and administration pursuant
2 to vouchers issued and signed by the presiding judge of the
3 metropolitan court. Any unexpended or unencumbered balance
4 remaining in the metropolitan court arrest fee fund at the end
5 of a fiscal year shall not revert to the general fund."

6 Section 2. A new section of Chapter 35, Article 6 NMSA
7 1978 is enacted to read:

8 "[NEW MATERIAL] LAW ENFORCEMENT ARREST FEE--MAGISTRATE
9 COURT ARREST FEE FUND--DISBURSEMENT.--

10 A. When a person is arrested on a bench warrant
11 issued by a magistrate court, the magistrate court shall assess
12 a "law enforcement arrest fee" of one hundred dollars (\$100)
13 against the person arrested; provided, however, that if the
14 person has multiple bench warrants, only one law enforcement
15 arrest fee shall be charged per occurrence of arrest. If the
16 person for whom a bench warrant was issued voluntarily appears
17 in court, the court shall not assess the law enforcement arrest
18 fee. The law enforcement arrest fee shall be transferred to
19 the governing body of the law enforcement agency responsible
20 for service of the bench warrant upon which the law enforcement
21 arrest fee is assessed.

22 B. The arraigning judge shall waive the law
23 enforcement arrest fee authorized pursuant to Subsection A of
24 this section if:

25 (1) the defendant cannot post the law

underscored material = new
[bracketed material] = delete

1 enforcement arrest fee because of indigency; or

2 (2) the arrest was incidental to a traffic
3 stop.

4 C. The "magistrate court arrest fee fund" is
5 created in the state treasury. The fund shall be administered
6 by the administrative office of the courts. The arraigning
7 judge in the magistrate court shall assess a law enforcement
8 arrest fee of one hundred dollars (\$100). Money collected
9 pursuant to the law enforcement arrest fee shall be deposited
10 in the magistrate court arrest fee fund. All balances in the
11 magistrate court arrest fee fund are appropriated to the
12 administrative office of the courts for the purpose of paying
13 law enforcement agencies for the expense of arrests. Payments
14 from the magistrate court arrest fee fund shall be made upon
15 warrants drawn by the secretary of finance and administration
16 pursuant to vouchers issued and signed by the director of the
17 administrative office of the courts. Any unexpended or
18 unencumbered balance remaining in the magistrate court arrest
19 fee fund at the end of a fiscal year shall not revert to the
20 general fund. "

21 Section 3. EFFECTIVE DATE. --The effective date of the
22 provisions of this act is July 1, 2004.

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